FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
F.C.A. No. 73 of 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. A. V. Anturkar with Mr. Kuldeep S. Patil for appellant.

CORAM: SMT.RANJANA DESAI
&
SHRI A.P.DESHPANDE JJ.
DATE:10/08/2006

P.C.:

1. The Appellant wife has challenged the order dated 6.5.2006 passed by the Family Court, Mumbai, whereby the Family Court has ordered and allowed the respondent – husband to enter, stay and work from the matrimonial house situated at Room No.52, New Bori Chawl, 3rd Flor, Alibhai Premji Marg, Grant Road, Mumbai 400 007, provided he makes arrangement of residential premises in a suitable locality for the appellant.

2. Pursuant to this direction the respondent has made arrangement for residential premises at Dahisar. The marriage counselor of the Family Court has submitted his report dated 6th July 2006 stating that the said premises are habitable and suitable for residential purpose of the appellant.

3. Learned counsel for the appellant states that the appellant has reservations about the report submitted by the marriage counselor and the appellant wants to challenge it by raising objections to it. If that is so the proper course would be to allow the appellant to file objections to the said report. The Family Court needs to be directed to consider the objections raised by the appellant and pass appropriate orders thereon.

4. Hence the following order:

   a) The Appellant shall file objections to the Family Court Counselor ' s report dated 6th July 2006 in the Family Court within two weeks from today.

   b) After the objections are filed the Family Court will consider the same after giving hearing to the respondent and pass appropriate orders thereon within a period of 6 weeks from the date on which the objections are filed.

   c) Needless to say that if the parties are aggrieved by the orders passed by the Family

Court on the objections filed by the appellant they will be entitled to adopt such proceedings as may be available to them in law.

5. The parties will appear before the Family Court on 17th August 2006. All contentions of both sides are kept open. The Family Court appeal is disposed of in the aforesaid terms.

(SHRI A.P.DESHPANDE J.) (SMT.RANJANA DESAI J)